



Ninety – Sixth Legislature – First Session – 1999
Introducer's Statement of Intent
LB 921

Chairperson: Senator Kermit A. Brashear
Committee: Judiciary
Date of Hearing: 01/19/00

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 921 relates to various issues in civil procedure, and can be divided into six topics.

The first topic relates to the use of depositions, and resolves an inconsistency between Nebraska's discovery rules and hearsay statutes on the issue of the use of a deposition when the witness is at a distance greater than 100 miles from the place of trial or hearing.

The second topic completes the process of defining the entry of the judgment as the relevant time for the start of the time to appeal, not the date of rendition. These changes would conform these sections to changes already made by LB 43 in 1999.

The third topic corrects a mistake made in the passage of LB 43, and changes the defining time for appeal which applies to a petition in error. LB 43 changed the defining time for appeal from the date of rendition to the date of entry. LB 921 would change it back. The reason for this change is that the start of the time to appeal should be different for a petition in error from other appeals, because judgments and final orders reviewed by a petition in error will not have been entered by a court. Instead, they will be entered by an entity such as a board or commission, which may not have a clerk performing the regular entry defined for a court.

The fourth topic conforms the time for all post-trial review with the changes already made by LB 43 in 1999, by making entry of the judgment the uniform point for measuring time. The other changes are intended to clarify related issues.

The fifth topic clarifies statutory language as it relates to appeals from the county court in domestic relations cases, so that all appeals clearly proceed to the Court of Appeals, making clear that the district court is not an option for appellate review in domestic relations cases.

The sixth topic is technical cleanup, which moves Neb. Rev. Stat. §25-705 (6) and (7) to a separate and new section, in order to more appropriately place these sections.

Principal Introducer:

Senator Kermit A. Brashear